

## REMARKS

Claims 1-26, 29-36, 38, 39 and 42-54 are pending in the subject application. Claims 1, 2, 16, 26, 29, 42, and 44-46 are amended. The amendments are supported by the specification as filed, and no new matter is presented. Favorable reconsideration in light of the remarks which follow is respectfully requested.

### 35 U.S.C. §102 Rejection

Claims 1-26, 29-36, 38-39, 42, 43, 46 and 48-54 stand rejected under 35 U.S.C. §102(b) as being anticipated by Madhani et al (6,786,896). Applicants respectfully traverse.

Applicants recite an apparatus for placing a proximal portion of a penetrating member in a target area (independent claims 1, 16, 26, and 29) and an apparatus for driving a subcutaneous needle so a proximal portion thereof is located in a target area of a body (independent claims 42, 44, and 45). Applicants apparatus includes a first arm configured and arranged to rotatably support the penetrating member/needle about the longitudinal axis of the penetrating member/needle. Claims 1, 26, 29, 42, 44, and 45 further recite a second drive mechanism coupled to the penetrating member/needle and configured and arranged so as to cause the penetrating member/needle to rotate about the longitudinal axis of the penetrating member/needle.

Applicants further recite a method for localizing a proximal portion of a penetrating member in a target area of a body by supporting the penetrating member from a first arm, positioning the first arm with respect to the body so a long axis of the penetrating member passes through the target area, and linearly translating the first arm from an initial position to any of a number of other positions spaced from the initial, and rotating the penetrating member about the longitudinal axis of the penetrating member.

Applicants respectfully submit that Madhani et al does not teach or suggest an apparatus having a penetrating member/needle supported by a first arm, wherein the penetrating member/needle is rotatably supported by the first arm so as to rotate about the penetrating

member's/needle's longitudinal axis. Madhani et al further does not teach a method wherein the penetrating member is supported in a first arm, the first arm positioned with respect to the body so a long axis of the penetrating member passes through the target area, linearly translating the first arm from an initial position to any of a number of other positions spaced from the initial, and rotating the penetrating member about the longitudinal axis of the penetrating member.

The Office asserts that the first arm (304) is arranged to support a penetrating member (312) and a second drive mechanism (302) is coupled to the penetrating member and arranged to cause the penetrating member to rotate about axis of the penetrating member (fig. 3).

Applicants disagree. While Madhani et al describes a tool shaft 312 that has some form of rotation, Madhani et al does not teach or suggest a tool shaft that is rotatably supported about its longitudinal axis or that rotates about its axis as set out in Applicants' claims. Rather, Madhani merely describes a tool shaft 312 that can rotate (1) about a remote center point (and, thus, not about the tool shaft's longitudinal axis), (2) about axis 0, which is a sweeping motion into and out of the page (and, thus, not about the tool shaft's longitudinal axis), and (3) about axis 1, which is a sweeping motion forward and backward (and, thus, not about the tool shaft's longitudinal axis). Indeed, the Office has failed to point to anything in Madhani regarding rotation of the tool shaft 312 about the tool shaft's longitudinal axis.

Applicants respectfully submit that claims 1, 16, 26, 29, 42, 44, and 45 are patentable over Madhani et al. Claims 2-15, 17-25, 30-36, 38-39, 43, 46 and 48-54 depend from claims 1, 16, 26, 29, 42, 44, and 45 and, likewise, are patentable over Madhani et al.

## CONCLUSION

It is respectfully submitted that the subject application is in a condition for allowance. Early and favorable action is requested.

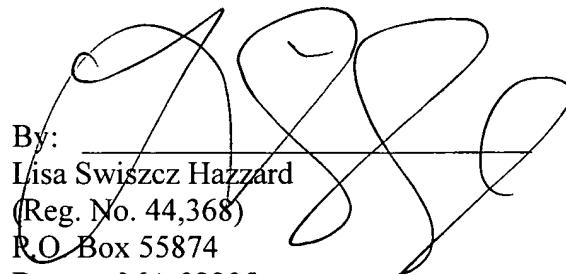
D. Stoianovici, et al.  
U.S.S.N.: 09/943,751  
Page 17 of 17

If for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, the Commissioner is hereby authorized and requested to charge Deposit Account No. **04-1105**.

Respectfully submitted,  
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